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9 *Attorneys for Plaintiff*  
10 *and the Putative Classes*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 CHRISTOPHER NELSON, on behalf of  
14 himself and all others similarly situated,

15 Plaintiff,

16 vs.

17 WAL-MART ASSOCIATES, INC., and  
18 DOES 1 through 50, inclusive,

19 Defendant(s).  
20

Case No. 3:21-cv-00066-MMD-CLB

**ORDER APPROVING FLSA NOTICE**

21 The Court Orders as follows:

- 22
- 23 1. On March 9, 2023, the Court adopted the attached Notice for use in this case. (ECF  
24 No. 65-3)
  - 25 2. Notice of this lawsuit will be sent to all current and former non-exempt hourly-  
26 paid employees of Defendant who were employed at any time between December 23, 2017 to the  
27 present at Walmart's McCarran, Nevada or Pageland, South Carolina Grocery Distribution  
28 Centers who fall within the definitions for the following two (2) FLSA classes:

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**FLSA Dry Section Class:** Employees who worked in the dry section of the Grocery Distribution Center and were required to retrieve a scanner, printer, or other electronic device pre-shift prior to clocking in.

**FLSA Perishable Section Class:** Employees who worked in the perishable side of the Grocery Distribution Center and were required to don cold storage personal protective equipment (PPE) pre-shift prior to clocking in.

3. If it has not already done so, within thirty (30) days of the date of this Order, Defendant will provide to Plaintiff's counsel a list in computer-readable format of the: (a) full name; (b) current home address or last known address; (c) telephone number; (d) email address; and (e) Social Security number of each person who falls in the definitions set forth in paragraph two (2) of this Order. Plaintiff's counsel will treat this information as confidential and will not disclose it to third parties.

4. Within thirty-seven (37) days of the date of this Order, Plaintiff's counsel, or a claims administration company that Plaintiff's counsel selects to process the mailing and opt-in forms (hereinafter collectively referred to as "Claims Administrator") shall mail a Notice, a Consent to Join form, and a postage pre-paid return envelope, to each person identified on the list discussed in Paragraph 3 of this Order.

5. The Claims Administrator shall establish a website repository containing printer-friendly versions of the Class Notices and Consent to Join forms, any other documents the parties wish to make available, and contact information for the notice administrator and Plaintiff's counsel, including a Consent to Join form that may be completed online, so long as the online form provides a means by which the individual signifies his or her assent to the statements listed

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on the form comparable to signature, such as by checking a box on a web page.

6. No sooner than thirty (30) days from the date of this Order, Plaintiff may commence a social media campaign on websites geared to reach the target audience directly and provide putative class members with the contact information for the notice administrator and Plaintiff's counsel as well as the website containing the electronic Notice and Consent to Join forms.

7. Any person who wishes to opt in to this lawsuit must properly complete the Consent to Join form and return it to Plaintiff's counsel or the Claims Administrator via hard copy by U.S. Mail or through a Web form.

8. If any notice package is returned undeliverable, the Claims Administrator will, within fourteen (14) days thereafter, use the Social Security number provided by Defendant and attempt to obtain an alternative address for that addressee and mail the notice package to that alternate address. The Claims Administrator will keep record of: (a) the date on which any notice package is returned undeliverable; (b) the date on which the undeliverable notice package is sent to an alternate address; and (c) any updated addresses.

9. Plaintiff's counsel or the Claims Administrator will date-stamp and number each properly completed Consent to Join form and accompanying envelope (if any) that is sent to them. Plaintiff's Counsel will send a copy of Consent to Join forms it receives to counsel for Defendant on each Friday after the initial mailing.

10. Plaintiff's counsel will file the list of the people who timely returned Consent to Join forms identified above with the Court within thirty days after receipt or earlier. Plaintiff's counsel will retain a copy of the list and the envelope in which the Consent to Join forms were received.

DATED this 16th day of March, 2023.

DATED this 16th day of March, 2023.

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**ORDER**

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

March 20, 2023

DATED